

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as FIRST CLASS MAIL in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 21, 2004.

January 21, 2004  
Date

*Carrie Reddick*  
Signature: Carrie Reddick

**PATENT**

Attorney Docket No. ULT-005-2C3C

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application )

Inventor(s): Malcolm G. Smith, Sr. )

Application No.: 09/654,542 )

Filed: 9/1/2000 )

Title DATA SYSTEM )

**PATENT APPLICATION**

Art Unit: 2876

Examiner: Frech, Karl A.

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed document is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP § 609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56.

SN: 09/654,542

- ☒ This statement qualifies under 37 C.F.R. § 1.97, subsection (b) because (check all that apply):
- ☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)  
-- OR --
- ☐ (2) It is being filed within 3 months of entry of a national stage  
-- OR --
- ☐ (3) It is being filed before the mail date of the first Office Action on the merits.  
-- OR --
- ☒ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114
- ☐ 37 C.F.R. § 1.97(c). If this statement is being filed after the period specified in § 1.97(b), but before the mailing date of the earlier of a final office action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application, then:
- ☐ a certification as specified in § 1.97(e) is provided below; or
- ☐ a fee of \$180.00 as set forth in § 1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☐ 37 C.F.R. § 1.97(d). If this statement is being filed after the period specified in § 1.97(c), but on or before payment of the issue fee, then:
- A. a certification as specified in § 1.97(e) is completed below; and
- B. a fee of \$180.00 as set forth in § 1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☒ *Fee Authorization.* No fee is believed due, however, if a fee is found to be owing, the Commissioner is hereby authorized to charge Deposit Account No. 50-0574 (Docket No. ULT-005-2C3C).

Respectfully submitted,

BEVER, HOFFMAN &amp; HARMS, LLP

By: 

James E. Parsons, Reg. No. 34,691

Dated: January 21, 2004Telephone: (408) 451-5906  
Customer No. 22888